

Virginia Mandatory Reporting Requirements Regarding Children

<p><i>Who Must Report?</i></p>	<p>Any of the following persons who, <i>in their professional or official capacity</i>, have reason to suspect that a child is abused or neglected:</p> <ul style="list-style-type: none"> <li>• Any person licensed to practice medicine or any of the healing arts;</li> <li>• Any hospital resident or intern, and any person employed in the nursing profession;</li> <li>• Any social worker;</li> <li>• Any probation officer;</li> <li>• Any teacher or other person employed in a public or private school, kindergarten or nursery school;</li> <li>• Any person providing full-time or part-time child care for pay on a regularly planned basis;</li> <li>• Any mental health professional;</li> <li>• Any law-enforcement officer or animal control officer;</li> <li>• Any mediator eligible to receive court referrals;</li> <li>• Any professional staff person, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment;</li> <li>• Any person associated with or employed by any private organization responsible for the care, custody or control of children;</li> <li>• Any person who is designated a court-appointed special advocate;</li> <li>• Any person, over the age of 18 years, who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect;</li> <li>• Any person employed by a local department who determines eligibility for public assistance; and</li> <li>• Any certified emergency medical services personnel unless such certified emergency medical services personnel reports the matter directly to the attending physician at the hospital to which the child is transported, who shall make the report forthwith.</li> </ul>
<p><i>Standard of Knowledge</i></p>	<p>Reason to suspect that a child is abused or neglected.</p>

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	A “reason to suspect that a child is abused or neglected” includes (i) a finding made by an attending physician within seven days of a child’s birth that the results of a blood or urine test conducted within 48 hours of the birth of the child indicate the presence of a controlled substance not prescribed for the mother by a physician; (ii) a finding by an attending physician made within 48 hours of a child’s birth that the child was born dependent on a controlled substance which was not prescribed by a physician for the mother and has demonstrated withdrawal symptoms; (iii) a diagnosis by an attending physician made within seven days of a child’s birth that the child has an illness, disease or condition which, to a reasonable degree of medical certainty, is attributable to in utero exposure to a controlled substance which was not prescribed by a physician for the mother or the child; or (iv) a diagnosis by an attending physician made within seven days of a child’s birth that the child has fetal alcohol syndrome attributable to in utero exposure to alcohol.
<i>Definition of Applicable Victim</i>	A child is a person under the age of 18.
<i>Reports Made To</i>	Child Protective Services ((804) 786-8536) or the toll free child abuse hotline 1-800-552-7096.  If an employee of the local department of child protective services is suspected of abusing or neglecting a child, the complaint shall be made to the court of the county or city where the abuse or neglect was discovered.
<i>Contents of Report</i>	All information that is the basis for the suspicion of abuse or neglect of the child and, upon request, any information, records or reports that document the basis for the report.
<i>Timing/Other Procedures</i>	<ul style="list-style-type: none"> <li>• Reports must be made immediately, or no later than 72 hours after first suspicion of abuse.</li> <li>• If the information is received by a teacher, staff member, resident, intern or nurse, or emergency medical services personnel, in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith.</li> </ul>

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<p><i>Other</i></p>	<ul style="list-style-type: none"> <li>• Any person required to file a report pursuant to this section who fails to do so within 72 hours of his first suspicion of child abuse or neglect shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$100 nor more than \$1,000.</li> <li>• If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith.</li> <li>• The reporting requirement shall not apply to any regular minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church as it relates to (i) information required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) information that would be subject to <a href="#">§ 8.01-400</a> (ability to not divulge information, in a civil case, communicated to him in a confidential manner, properly entrusted to him in his professional capacity and necessary to enable him to discharge the functions of his office according to the usual course of his practice or discipline, wherein such person so communicating such information about himself or another is seeking spiritual counsel and advice relative to and growing out of the information so imparted) or <a href="#">19.2-271.3</a> (ability not to divulge information, in a criminal case, communicated to him by the accused in a confidential manner, properly entrusted to him in his professional capacity and necessary to enable him to discharge the functions of his office according to the usual course of his practice or discipline, where such person so communicating such information about himself or another is seeking spiritual counsel and advice relative to and growing out of the information so imparted) if offered as evidence in court).</li> <li>• Any person who suspects that a child is an abused or neglected child may make a complaint concerning such child to the local department of the county or city wherein the child</li> </ul>
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	resides or wherein the abuse or neglect is believed to have occurred or to the Department's toll-free child abuse and neglect hotline.
<i>Source/Applicable Statute(s)</i>	VA ST §§ 63.2-1508 -1511 (2009).

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